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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,639	08/06/2003	Robert S. Meijer		1638

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MAJOR MONITORS
9052 GERALDINE PLACE
SAN DIEGO, CA 92123-3014

EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,639

Applicant(s)

MEIJER, ROBERT S.

Examiner

John A. Tweel, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9, 10 and 12-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because the conductor labeled No. 4 in Figure 1 is not labeled in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "9" has been used to designate both a latch plate and ribbon cable assembly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it is too long. An abstract should not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

- Paragraph 5, Line 4: An article such as --a-- is needed before "lock's".
- Paragraph 15, Line 8: A space is needed between the words "and" and "serves".
- Paragraph 15, Line 9: A space is needed between the words "to" and "increase".
- Paragraph 16, Line 5: A space is needed between the words "to" and "maintain".
- Paragraph 20, Line 8: The comma after "lapse" should be replaced with a period.

Appropriate correction is required.

Claim Objections

6. Claims 1, 2, 8-10, and 12-18 are objected to because of the following informalities: Each one of these claims contains periods and capitalized letters in inappropriate locations. Each claim should be a single sentence and the punctuation should reflect this fact. Also, there is an extra "n" in the word --announced-- in claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Soloway et al** [U.S. 6,225,903].

For claim 1, the lockset tampering detection device taught by **Soloway** includes the following claimed subject matter, as noted, 1) the claimed sensing circuitry is met by the sensor command unit (No. 30) that determines whether a lockset has been tampered with, 2) the claimed means to determine if the lockset is open or locked is met by the deadbolt position indicator switch (No. 49) which determines whether the bolt (No. 20) is open or locked, 3) the claimed means to signal a tampering alarm is also met by the sensor command unit as well as the alarm control panel (No. 70) to signal an alarm upon tampering with the lock bolt.

For claim 2, the method of arming or disarming a lockset tampering detection device having sensing circuitry taught by **Soloway** includes the following claimed steps, as noted, 1) the claimed arming the lockset is achieved using the sensor command unit (No. 30) that arms a system upon locking of the door (No. 10) when the user leaves the premises (Col. 7, Ln. 57-Col. 8, Ln. 2), and 2) the claimed disarming the detection device is met using the same command unit (Col. 8, Lns. 3-9).

For claim 3, the operative connection between the command unit (No. 30) and the bolt (No. 20) of **Soloway** is a magnetic Reed switch (No. 54) disposed in the bolt cup (No. 50).

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For claim 4, if unlocking of the bolt of **Soloway** is not achieved within predefined limits, the alarm signal is activated.

For claim 11, the detection device of **Soloway** is part of a multi-zone security system (Col. 7, Lns. 11-25) and uses several LED displays to indicate the status of the bolt, whether disarmed or armed. Further displays also indicate alarm status.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soloway et al.**

For claim 6, the device of **Soloway** does not mention an easily installed ribbon cable with integral contacts, just a group of wires (No. 32) as the interconnection between a panel (No. 70) and the sensor command unit (No. 30).

Ribbon cables have been used for some time in electronics to install a group of wires in a limited amount of space. For a system such as Soloway, a ribbon cable is ideal to allow the needed connections in a space as small as a doorjamb. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include ribbon cable as the wiring of Soloway for the purpose of using a common and well known wiring assembly.

For claim 8, the method of **Soloway** does include a short time delay to preclude an immediate tampering alarm upon locking the bolt (Col. 7, Lns. 32-36) as well as an audible beep upon the clearing of a "just locked" condition to announce the device is in its armed state. However, there is no mention of a "just locked" bit to replace operation at the end of a time delay.

Bits are the basic building blocks of computer information. The use of one in a claim to define a status condition is not considered a patentable innovation, as bits are common and used quite often in computer instruction. It is a known fact that some bit would be required at the end of the delay time to signal the armed state, this being an obvious property of electronic and computer equipment, as the Soloway system is.

11. Claims 5, 7, 9, 10, and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

The independent claims as currently presented are too broad to merit patentability. A simple tampering alarm with bolt detector as presented above reads on the current claims. The objected claims introduce subject matter more specific such as the capacitance between the lockset and a reference conductor or the multi-zone system with a plurality of tampering detection devices and the concurrent or rapid

sequential determination of the state of each lockset device. These are considered unobvious in light of the prior art.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heiland [U.S. 4,360,803] uses a piezoelectric element between the bolt and lock frame to emit a signal that energizes an alarm.

Hines [U.S. 4,465,997] is an alarm switch for indicating when a latch is locked or unlocked.

Grossman [U.S. 5,062,670] comprises a status indicator for a lock monitor.

Tseng [U.S. 5,266,923] has first and second electrodes to indicate tampering.

Roth et al [U.S. 5,757,269] provides an indication to an alarm system that the bolt is properly engaged.

Wojdan [U.S. 5,825,288] has a mounting plate securable to a doorjamb.

Agozzino [U.S. 6,020,816] is mounted within a perimeter frame in an opening.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
5/11/05



JOHN TWEEL
PRIMARY EXAMINER